

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Rural Call Completion	)	WC Docket No. 13-39
	)	

**REPLY COMMENTS OF THE  
IOWA TELECOMMUNICATIONS ASSOCIATION**

The Iowa Telecommunications Association (ITA)<sup>1</sup> hereby submits reply comments in support of calls by state trade associations,<sup>2</sup> national trade associations,<sup>3</sup> state public utility commissions,<sup>4</sup> state utility consumer advocates,<sup>5</sup> rural local exchange carriers<sup>6</sup> and centralized equal access providers<sup>7</sup> for direct and immediate Commission action to address the growing risks to public safety and threats to economic vitality posed by unlawful and unethical rural call completion practices. ITA believes rural call completion issues can be solved rapidly and permanently, provided that the Commission acts now to implement meaningful reporting and

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<sup>1</sup> ITA represents 130 locally owned communications experts providing innovative and affordable high-speed internet, digital TV, and phone service through wireline and wireless networks. Our mission statement is “broadband for all Iowans.”

<sup>2</sup> *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of Colorado Telecommunications Association, Idaho Telecom Alliance, Montana Telecommunications Association, Oklahoma Telephone Association, Oregon Telecommunications Association and Washington Independent Telecommunications Association (May 13, 2013).

<sup>3</sup> *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of the National Exchange Carrier Association, Inc., NTCA-The Rural Broadband Association, the Western Telecommunications Alliance, and the Eastern Rural Telecom Association (May 13, 2013) (“Rural Associations’ Initial Comments”).

<sup>4</sup> *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of the National Association of Regulatory Utility Commissioners (May 8, 2013) (“NARUC Initial Comments”); *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of the Joint State Commissions (May 13, 2013).

<sup>5</sup> *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of the National Association of State Utility Consumer Advocates (May 13, 2013) (“NASUCA Initial Comments”).

<sup>6</sup> *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of the Blooston Rural Carriers (May 13, 2013) (“Blooston Carriers’ Initial Comments”).

<sup>7</sup> *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of Iowa Network Services, Inc. (May 13, 2013)

data retention requirements and to enforce existing prohibitions against blocking, choking, reducing or restricting telephone traffic to rural subscribers.

The FCC has unambiguously stated that it is the originating IXC's responsibility to ensure a call is completed whether or not it uses another carrier to complete the call.<sup>8</sup> Yet, the routing practices used by least cost routers (LCRs) have severely degraded the network that historically prided itself on achieving "5-9s" reliability, meaning 99.999% of calls were successfully completed. ITA urges the Commission to act quickly and forcefully, given that it is likely that absent adequate enforcement, the problem will only grow worse.

## **I. INTRODUCTION.**

The primary purpose of ITA's reply comments is to underscore that call termination problems remain serious and widespread, particularly for consumers and businesses operating in areas served by rural local exchange carriers. Based on recent and recurring reports from its member companies, call completion issues persist at unacceptably high levels in Iowa and other rural states. In spite of the Commission's recent emphasis on compliance, investigation and enforcement, it is apparent from these and other proceedings that originating carriers and least-cost routing providers have little interest in solving or mitigating rural call completion and call quality problems. Instead, least cost routers continue with efforts to divert attention from their unlawful conduct and substandard service, attempting to shift the blame to terminating rural carriers that have no control over the origination or routing of failed calls.<sup>9</sup>

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<sup>8</sup> *Developing a Unified Intercarrier Compensation Regime*, 27 FCC Rcd 1351, 1352.

<sup>9</sup> See, e.g., *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Comments of Intelpeer, Inc. (May 13, 2013) ("Intelpeer Initial Comments").

## II. DISCUSSION.

### A. Consumers and Businesses in Iowa Continue to Report Significant Problems with Rural Call Completion.

In Iowa, formal reports and informal accounts reveal that rural call completion and call quality issues remain ongoing and widespread. As recently summarized by the Iowa Office of Consumer Advocate (IOCA), there is a growing record of intrastate, interexchange call termination issues in Iowa, reflecting that originating carriers and/or their intermediate providers continue to engage in call-routing practices that result in impaired or inadequate service to rural consumers and businesses. Recent, real-life examples summarized by the IOCA<sup>10</sup> underscore the threat that current rural call completion practices pose to public safety and consumer welfare in rural Iowa:

- The Iowa Utilities Board (IUB) granted an IOCA petition seeking a formal proceeding based on a complaint alleging that calls and faxes failed to complete from health care facilities in Shell Rock and Waverly, Iowa, to a nearby rehabilitation center in Allison, Iowa (population 1,029).<sup>11</sup> The administrator of the Allison facility advised she never really knows whether the facility has missed a call and has lost confidence in the reliability of the system.
- The IUB granted an IOCA petition seeking a formal proceeding based on a complaint from a medical clinic in Huxley, Iowa (population 3,317) alleging that urgent test results from Mary Greeley Medical Center in Ames, ten miles north, did not go through to the clinic.<sup>12</sup> The complaint also alleged fax issues and calls not going through to the answering service after hours. The complaint stated: “If we fail to provide care for a patient and something awful happens because we were unable to make or receive a phone call, there are terrible consequences.”

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<sup>10</sup> *In the Matter of Inquiry into the Appropriate Scope of Telecommunications Regulation*, IUB Docket No. NOI-2013-0001, Initial Comments of the Office of Consumer Advocate, at 38-40 (May 1, 2013).

<sup>11</sup> See Order Granting Request for Formal Proceeding and Setting Procedural Schedule, *In Re the Complaint of the Rehabilitation Center of Allison, Iowa*, Docket No. FCU-2012-0019 (IUB) (Dec. 27, 2012) available at <https://efs.iowa.gov/cs/groups/external/documents/docket/mdaw/mtc1/~edisp/175169.pdf>.

<sup>12</sup> See Order Granting Request for Formal Proceeding and Assigning Administrative Law Judge, *In Re the Complaint of Huxley Family Physicians*, Docket No. FCU-2013-004 (IUB) (May 23, 2013) available at <https://efs.iowa.gov/cs/groups/external/documents/docket/mdaw/mtgz/~edisp/183317.pdf>.

- A complaint from Hancock County Health Systems alleged it was having “an awful time with call completion from our main campus to outlying numbers within our service area,” specifically when attempting to complete calls to a medical clinic in Kanawha, Iowa (population 652). According to the complaint, “calls won’t ring, calls won’t answer and it seems to be getting worse not better.”
- Two complaints alleged difficulties experienced by two daughters in trying to reach their 97-year-old mother in Emerson, Iowa (population 438). The first complainant was trying to call from Red Oak, Iowa, eleven miles away, the second from Glenwood, Iowa, thirty miles away. The first alleged difficulties including the calling party hearing a false ring, but the called party never receiving a ring tone, ringing once or twice then a busy signal or drop, and a connection so poor the parties couldn’t hear each other. The second alleged the calls sometimes ring through without difficulty, but other times “it rings once or twice and then goes dead,” and still other times “it may ring sounding fine for the first couple of rings and then the ring sounds garbled and if mother tries to answer we cannot hear or understand each other.” She stated she has hung up and tried as many as 8-10 times and after numerous tries the call may go through.
- IOCA has filed a petition seeking a formal proceeding based on a complaint that alleged repeated difficulties calling from Mt. Pleasant, Iowa to Mediapolis, Iowa (population 1,560), a distance of 23 miles.<sup>13</sup> The complainant alleged she had spent hours on the phone trying to place the call and the problem had been going on for months. She stated on one occasion she could not reach the number for four days. She stated: “In the routing they choose the cheapest carrier they can and it does not work ... If they are going to advertise the long distance service packages then they need to provide it.”
- A complaint alleged difficulty placing a call to West Liberty, Iowa (population 3,736). The complaint alleged the call went through but the called party did not answer because the caller ID gave an incorrect calling party name and calling party number.
- A resident of Cascade, Iowa (population 2,159) complained that, for at least the past six months, she and her husband had not been receiving all of their calls from Dubuque and “who knows where else.” The complaint stated that most of the calls they realized they were not receiving were calls from doctors. She said there was a case where someone could not be contacted when their brother died a distance away because the phone service did not work. She said their local nursing home had a lot of trouble getting calls from doctors and a hospital in Dubuque. She said

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<sup>13</sup> See Request for Formal Proceeding, *In Re the Complaint of Carolyn Frahm*, IUB Docket No. FCU-2013-0007 (IUB) (May 9, 2013) available at <https://efs.iowa.gov/cs/groups/external/documents/docket/mdaw/mtgx/~edisp/181379.pdf>.

people's health and safety are in jeopardy. She asked, "How are people to know that they are not receiving calls?"

Though revealing, this list is far from comprehensive. As other Commentors note, known instances represent, at most, the "tip of the iceberg," in an epidemic of intrastate and interstate call failure.<sup>14</sup>

While dropped and degraded calls are seemingly "business as usual" for many intermediate providers and least-cost routers, missed calls can mean the difference between success and failure for small businesses who provide low-volume, high-value services in sparsely populated rural areas. Examples include a truck towing company that performs emergency services for disabled commercial vehicles traveling on interstate highways, or a dealer who sells a relatively small amount of large commercial vehicles. Those businesses who miss even one "prospect call" could suffer significant lost revenue opportunities. ITA has received reports from Iowa LECs who in turn are receiving exactly those complaints from their business customers. Lost sales and lost customer relationships can have a significant impact on the financial bottom line for small businesses, stunting economic development in rural communities that can ill afford such setbacks.

In connection with their efforts to more accurately gauge the scope and cause of rural call completion problems in Iowa, ITA members have encountered or identified various dynamics that may inhibit full reporting, investigation and resolution of call completion problems. In many cases, the originating customer is the only customer that knows or suspects that a call has not been completed. The terminating customer never receives the call and the call never hits the terminating carrier's network for tracking or troubleshooting. While the terminating customer may ultimately become aware of frequent call completion or call quality issues to his or her

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<sup>14</sup> See Rural Associations' Initial Comments, at 2.

number (making such customer highly motivated to pursue resolution), the originating customer often has less incentive to commit further time or energy to a failed or poor quality call.

In some instances, ITA's members have found that complaints from terminating customers to either the FCC or IUB are less likely to lead to investigation, unless and until details from the originating carrier are known. However, these details are often difficult or impossible to ascertain if the originating customer is unwilling or unable to fully cooperate or participate in the testing necessary to identify and fix underlying issues.

In addition to the matters reported by the IOCA, ITA members continue to receive frequent complaints from residential<sup>15</sup> and business customers,<sup>16</sup> including complaints involving call completion, call quality and incorrect or misleading caller identification. Many ITA members have committed valuable technical staff and other limited resources in responding to customer complaints and attempting (usually unsuccessfully) to accurately identify and address completion problems.<sup>17</sup> As if dealing with the sheer volume of complaints were not disruptive enough, a new and alarming trend is the increased tendency of originating carriers<sup>18</sup> and intermediate providers<sup>19</sup> to shift the blame for substandard service to RLECs.

In Iowa, a clear pattern is emerging, a pattern marked by evasiveness and a lack of candor in revealing the business relationships and business practices that so frequently result in blocking or impairing calls to rural areas. It is a common practice for the originating IXC to blame the

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<sup>15</sup> One ITA member RLEC reports of an individual in Colorado having difficulty calling an elderly/sick relative in Dysart, Iowa (population 1,379). The originating customer recorded 63 failures out of 124 attempts in late Summer/early Fall 2012.

<sup>16</sup> One ITA member RLEC reports that a local insurance agency is unable to receive calls from customers in surrounding towns, while another reports that a general contractor who receives bids via fax has complained on multiple occasions concerning failure to receive faxes from bidders.

<sup>17</sup> See Request for Formal Proceeding, *In Re the Complaint of the Rehabilitation Center of Allison, Iowa*, Docket No. FCU-2012-0019 (IUB) (Dec. 27, 2012) available at <https://efs.iowa.gov/cs/groups/external/documents/docket/mdaw/mtty1/~edisp/136015.pdf>.

<sup>18</sup> See *In Re Carolyn Frahm*, *supra* n. 14 at 3-4.

<sup>19</sup> See Intelepeer Initial Comments, at 6.

terminating LEC and/or downstream intermediary providers for call completion and call quality issues. As botched calls frequently involve multiple intermediary providers, originating IXC's are operating in a "target rich" environment for offloading their responsibility for call failure and service degradation.<sup>20</sup>

At the same time, IXC's are unwilling to expose their routing practices to full sunlight, citing CPNI or other concerns to delay or impede progress in state-level investigations.<sup>21</sup>

Whatever their reasons, originating IXC's are failing to comply with their legal obligation to ensure that intermediate providers, least-cost routers or other entities involved in call routing are providing adequate service and are not engaged in intentional call blocking or service impairment.

Because of a lack of understanding of the root causes of the call completion problems, these customers may wrongly perceive the terminating LEC as the source of call quality and call termination failures.<sup>22</sup> Indeed, as a direct consequence of illicit call routing practices, Iowa RLECs are experiencing a spike in the volume and frequency of residential and business customers deciding to disconnect landline service completely or switch to a competitive, non-

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<sup>20</sup> See, e.g., *In Re Huxley Family Physicians*, *supra* n.13 at 10-11 ("The record developed to date does not provide enough specific information for the Board to fully understand the roles and responsibilities of the various providers in causing, identifying, or correcting the problems experienced at HFP" and "Blue Tone explains that it re-routed the number to another vendor, but does not identify either the first carrier or the new carrier or the alternate carrier."); NASUCA Initial Comments, at 7-8 ("In one case, originating long distance carrier CenturyLink was using intermediate provider Intelepeer, which in turn was using Impact Telecom, which in turn was using Intermetro Communications in one instance and Broadvox Communications in another. It is not yet clear whether this list is complete.").

<sup>21</sup> See *In Re Rehabilitation Center of Allison, Iowa*, *supra* n. 12 at 18 ("For example, it appears that CenturyLink has not yet provided as much information about the call completion problems in this case as it appears to have access to, including the identity of its underlying carriers"; *In Re Huxley Family Physicians* *supra* n 13 at 5 ("Consumer Advocate also states that Bluetone has not been able to determine a definitive cause for the failure and has re-routed the destination number to another vendor but does not identify either the first or second vendor."))

<sup>22</sup> See e.g., INS Initial Comments, at 10; Blooston Rural Carriers Initial Comments, at 7-8; Rural Associations' Initial Comments, at 24-25.

rural landline carrier, citing call completion and call quality as factors in their decision.<sup>23</sup> In some instances the “lost” customer represents one of the RLEC’s larger business customers or enterprise customers, further compounding the economic injury.

As our experience in Iowa reveals, state regulators properly exercise jurisdiction to address intrastate call completion issues as necessary to uphold the public interest in consumer protection, public safety and localized network reliability. ITA acknowledges and commends the IOCA and IUB for pressing the action to investigate rural call completion complaints in Iowa, including by insisting that originating carriers and intermediate providers supply more than superficial responses or blame-shifting diversions. With the expectation that state and federal agencies will coordinate their activities to avoid inconsistent, incompatible or duplicative recordkeeping, reporting or other requirements, ITA joins with NASUCA<sup>24</sup> and NARUC<sup>25</sup> in requesting that the Commission expressly recognize and preserve the independent role of state consumer advocates and state commissions in bringing and investigating intrastate call completion complaints and enforcing applicable comparability, adequacy and quality of service standards.

**B. The Commission should Implement Meaningful Reporting and Data Retention Requirements and should Enforce Existing Prohibitions against Blocking, Choking, Reducing or Restricting Telephone Traffic to Rural Subscribers.**

Based on the record in this and other call termination proceedings, it is apparent that certain originating carriers and intermediate providers continue to operate with careless disregard for rural consumers and businesses and in willful non-compliance with existing prohibitions

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<sup>23</sup> A business customer of one Iowa RLEC recently complained that call completion problems are so bad that “I’m about ready to cancel all my landline phones and just use e-mail. This is the worst phone service I’ve ever had.”

<sup>24</sup> NASUCA Initial Comments, at 4-9.

<sup>25</sup> NARUC Initial Comments, at 4.



against blocking, choking, reducing or restricting telephone traffic to rural service areas .<sup>26</sup>

Reasonable and meaningful reporting requirements are an important next step in eliminating call completion problems and restoring the integrity and reliability of the voice communications networks on which many rural consumers, businesses and community anchor institutions rely. Such reporting requirements, coupled with the promise of swift and certain regulatory sanctions for carriers or providers who fail to comply with the Commission's rules, will be essential to reverse current financial incentives for least cost routers to engage in substandard routing practices.

As reflected in the NPRM, call completion issues often involve multiple intermediate providers and a labyrinth of technical arrangements and contractual relationships which may make it difficult to pinpoint the responsible party and underlying cause of call failure in any specific instance.<sup>27</sup> The IOCA has even lamented the practice of LECs who blame least cost routers (sometimes even identifying the LCR by name), which LCRs in turn blame their own subtending LCRs and so on down the line. In many circumstances, initial investigations have yet to dig deep enough to identify the ultimately responsible LCR who dropped the call.<sup>28</sup>

Rather than taking the straightforward actions necessary to resolve call completion issues, some originating carriers and least cost routing providers shirk their legal and ethical responsibilities, hiding behind technical complexities and falsely implicating terminating RLECs. These all too frequent attempts to mislead consumers and regulators result directly in wasted time, effort and human and financial resources for terminating RLECs who are required

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<sup>26</sup> Letter from Philip B. Jones, NARUC President, Commissioner WUTC, to FCC Chairman Genachowski, WC Docket No. 07-135 (Filed Feb. 11, 2013).

<sup>27</sup> See NASUCA Initial Comments, at 7-8 (summarizing the results of recent Iowa investigations into call routing practices for various originating carriers and intermediate providers in the call path).

<sup>28</sup> See note 15.

to respond to customer complaints and regulatory investigations prompted by substandard originating or routing service.

In response to the industry's failure to timely and adequately resolve these issues, now is the time for the Commission to implement and enforce rules that will strengthen its ability to ensure a reasonable and nondiscriminatory level of service to rural consumers and businesses. ITA fully supports the comments of the Rural Associations in this NPRM, including the suggested clarifications and refinements to the Commission's proposed rules and the suggested modifications to the Commission's current consumer complaint processes. These steps will improve the Commission's ability to monitor provider performance and will aid in meaningful enforcement against originating carriers and intermediate providers who elect to engage in unreasonable and unlawful conduct.

### **III. CONCLUSION.**

Rural call completion issues are a pervasive but solvable problem. For more than two years, ITA has been working with other state and national trade associations, state regulators and state utility consumer advocates to focus attention on rural call completion and call quality issues, including the material adverse impact that such issues have on customers who choose to live, work and raise families in rural America. Despite these efforts, rural call completion issues remain serious and widespread, threatening public safety, homeland security, consumer welfare and economic growth and development in many rural states. The Commission should act directly and immediately to adopt rules similar to those proposed in the NPRM, including the clarifications and refinements suggested by the Rural Associations.

Respectfully submitted this 11<sup>th</sup> day of June, 2013.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Associations' Comments was served this 11<sup>th</sup> day of June 2013 by electronic filing and e-mail to the persons listed below.

By: /s/ Andrea Haney  
Andrea Haney

The following parties were served:

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